

August 9, 1976

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William McGrane, Esq.
Burd, Friedman & Bartko
1 Maritime Plaza
San Francisco, California

Dear Mr. McGrane:

This will confirm my telephone advice to you on Thursday August 5, 1976 that my client Dino De Laurentiis Corporation is producing a motion picture based upon the story and prior motion picture entitled "King Kong". My client has acquired merchandising rights in connection with this character.

You have brought to our attention the intent of your client, Fun Games Inc., to produce a video game portraying a giant ape astride the Empire State Building (or a similar skyscraper) swatting at airplanes which are trying to shoot him.

In our view, this proposed use is a clear infringement on the story "King Kong". Further, you have advised me that Fun Games Inc. intends to use the name "King Kong" in connection with such game. Whether or not the name "King Kong" is used as the title of the game, the proposed product is a violation of my client's right and my client will take whatever actions that may be necessary or appropriate to protect its rights. My client will consider that any violation of this right subsequent to this notice is a wilful breach thereof which may give rise to punitive as well as compensatory damages and my client reserves all rights in this manner.

Very truly yours,

Robert L. Oppenheim

RLO:me

cc: William Regan, Esq.
Louis Mindling
Fred Sidewater
Norman Flicker

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